



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop Appeal Brief - Patents, Box 1450, Alexandria, VA 22313-1450 on December 10, 2004.

Robert E. Malm

In re Application of: RANDALL K. CUREY et al. Serial Number: 09/821,537 Filing Date: 03/28/2001 For: PARTITIONED EXECUTIVE STRUCTURE FOR REAL-TIME PROGRAMS	Group Art Unit: 2154 Examiner: NABIL EL-HADY Telephone: (703) 308-7990
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**REQUEST FOR REINSTATEMENT OF APPEAL &
SUBMISSION OF SUPPLEMENTAL APPEAL BRIEF**

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Request is hereby made for the reinstatement of the appeal initiated by applicants' Notice of Appeal dated June 21, 2004. Transmitted herewith for filing is the supplemental appeal brief in

triplicate in support of applicant's appeal to the Board of Patent Appeals and Interferences from the examiner's office action dated 10/22/04 rejecting claims 1-49 of the application referenced above.

Also enclosed is an executed terminal disclaimer obviating a double-patenting rejection of claims 1, 25, and 26.

In addition, applicants' report on an interview with the examiner which took place on September 29, 2004 is enclosed.

A check for the statutory disclaimer fee in the amount of \$110 is attached hereto.

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper in excess of the above amount to Deposit Account No. 13-1239. (One additional copy of this Notice is enclosed herewith.)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert E. Malm". The signature is fluid and cursive, with the first name "Robert" being more prominent and the last name "Malm" following in a similar style.

Robert E. Malm
Reg. No. 34,662

16624 Pequeno Place
Pacific Palisades, CA 90272

Tel. No: (310) 459-8728

Enc: Supplemental Appeal Brief in triplicate
Terminal Disclaimer
Interview Report
Check for filing fee



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INTERVIEW SUMMARY

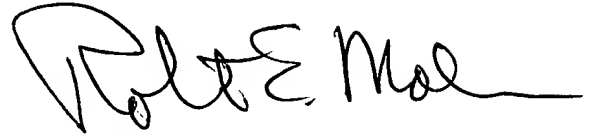
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Dear Sir:

An interview initiated by the examiner was conducted on September 29, 2004 with the undersigned. The circumstances and results of the interview as stated in the examiner's Interview Summary (attached) are correct.

I subsequently declined the examiner's invitation to amend the claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert E. Malm". The signature is fluid and cursive, with a large initial "R" and a long horizontal stroke at the end.

Robert E. Malm
Reg. No. 34,662

16624 Pequeno Place
Pacific Palisades, CA 90272

Tel. No: (310) 459-8728

Interview Summary	Application No. 09/821,537	Applicant(s) CUREY ET AL.	
	Examiner Nabil M El-Hady	Art Unit 2154	

All participants (applicant, applicant's representative, PTO personnel):

(1) Nabil M El-Hady. (3) _____.

(2) Robert Malm. (4) _____.

Date of Interview: 29 September 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: _____.

Identification of prior art discussed: _____.


Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: as a response to applicant appeal brief, discussed examiner's intention of re-opening the application for prosecution in view of new prior art, and a proposed amendment put forward by the examiner in order to place the application in condition for allowance.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required